

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

Representative Dawn Keefer, et al.

v.

**President Joseph R. Biden, in his official
capacity as President of the United States
of America, et. al.,**

Defendants.

Civil Action No. 24-cv-00147

MOTION TO DISMISS

The federal government Defendants¹ in the above-captioned matter hereby move to dismiss Plaintiffs' Complaint under Fed R. Civ P. 12(b)(1) and 12(b)(6). The Court should grant this motion for the reasons set forth in the accompanying Memorandum in Opposition to Plaintiffs' Preliminary Injunction Motion and in Support of Federal Defendants' Motion to Dismiss.

Dated: March 1, 2024

Respectfully submitted,

BRIAN M. BOYNTON

Principal Deputy Assistant Attorney General

LESLEY FARBY

Assistant Director, Federal Programs Branch

¹ The federal government Defendants are President Biden in his official capacity as the President of the United States; the United States; the U.S. Department of Agriculture; Tom Vilsack in his official capacity as Secretary of Agriculture; U.S. Department of Health and Human Services; Xavier Becerra in his official capacity as Secretary of Health and Human Services; U.S. Department of State; Antony Blinken in his official capacity as Secretary of State; U.S. Department of Housing and Urban Development; Marcia Fudge in her official capacity as Secretary of Housing and Urban Development; U.S. Department of Energy; Jennifer Granholm in her official capacity as Secretary of Energy; U.S. Department of Education; Dr. Miguel Cardona in his official capacity as Secretary of Education.

/s/ Kuntal Cholera

KUNTAL CHOLERA (D.C. Bar No. 1031523)

Trial Attorney

U.S. Department of Justice

Civil Division, Federal Programs Branch

1100 L Street, NW

Washington D.C. 20005

Kuntal.Cholera@usdoj.gov

Telephone: (202) 305-8645

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[PROPOSED] ORDER

For the reasons set forth in the Federal Defendants' Memorandum in Opposition to Plaintiffs' Preliminary Injunction Motion and in Support of Federal Defendants' Motion to Dismiss, the Federal Defendants' Motion to Dismiss is **GRANTED**.

SO ORDERED.

The Honorable Judge Jennifer P. Wilson

Certifications

L.R. 7.1 Certification

The Federal Defendants conferred with Plaintiffs' Counsel over their position on Defendants' Motion to Dismiss, and they noted that they oppose.

Certification under The Honorable Judge Wilson's Motion to Dismiss Order (ECF No. 4)

The Federal Defendants conferred with Plaintiffs' counsel and made good faith efforts to determine whether the deficiencies identified in the Federal Defendants' Motion to dismiss may be cured by amendment. The Federal Defendants believe that the legal deficiencies identified in the Motion to Dismiss cannot be cured by amendment.

/s/ Kuntal Cholera